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Attorneys for Defendant MOBILETOYS, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CORBIS CORPORATION, a Nevada  
corporation,

Plaintiff,

vs.

MOBILETOYS, INC., a Delaware corporation,

Defendant.

) Case No. C 07 5910 JW RS

) **NOTICE OF MOTION AND MOTION TO**  
) **WITHDRAW AS COUNSEL FOR**  
) **DEFENDANT MOBILETOYS, INC.;**  
) **MEMORANDUM OF POINTS AND**  
) **AUTHORITIES IN SUPPORT THEREOF**

) Date: November 10, 2008

) Time: 9:00 a.m.

) Courtroom 8, Fourth Floor, San Jose  
) Hon. James Ware

TO DEFENDANT MOBILETOYS, INC. ("MobileToys") AND ALL PARTIES OF  
RECORD:

NOTICE IS HEREBY GIVEN that Lawrence G. Townsend of the Law Office of  
Lawrence G. Townsend, counsel of record for MobileToys, hereby moves the Court for an order  
relieving him as counsel for MobileToys in this action. Mr. Townsend's motion will be heard at  
9:00 a.m. on November 8, 2008 in Courtroom 8 of the above-entitled court, located at 280 South  
First Street, San Jose, California. The reason for the motion is that circumstances have arisen  
that permit the Court to authorize Mr. Townsend to withdraw as MobileToys' counsel in  
accordance with the California Rules of Professional Conduct, Rule 3-700. Specifically, the  
motion will be made on the grounds that MobileToys has failed to respond to outstanding

1 discovery and/or to timely respond to Mr. Townsend's communications.

2 The motion is based on this Notice of Motion and Motion, the Memorandum of Points  
3 and Authorities in support attached hereto, the Declaration of Lawrence G. Townsend, and such  
4 oral and documentary evidence as may be presented at the hearing on this motion.

5 Failure to take appropriate action with respect to this motion to withdraw as counsel may  
6 result in serious legal consequences to MobileToys, and MobileToys may wish to seek legal  
7 assistance. MobileToys retains all legal obligations as a litigant.

8 In addition to seeking new counsel for this motion, MobileToys is strongly advised to  
9 seek new counsel to assume all appropriate responsibilities in the underlying action. Prompt  
10 action on the part of MobileToys is required to retain certain of MobileToys' rights and remedies.

11 As required, and in order to aid MobileToys in successfully retaining new counsel,  
12 Mr. Townsend will turn over the files and documents of MobileToys to MobileToys and/or  
13 successor counsel.

14  
15 Dated: September 8, 2008

LAW OFFICE OF LAWRENCE G. TOWNSEND

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18 By: /s/ Lawrence G. Townsend  
19 Lawrence G. Townsend, Esq.  
20 Attorney for Defendant  
21 MOBILETOYS, INC.  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

Lawrence G. Townsend has been attorney of record for MobileToys, Inc. since the inception of this case, having filed an answer to the complaint in January 2008. MobileToys has failed to respond to communications from Mr. Townsend and to respond to discovery overdue and outstanding. As such, Mr. Townsend cannot continue to represent MobileToys because he is not authorized and/or sufficiently informed to undertake any action on its behalf or, as a one-person firm, keep pace with the demands of the case without timely input and direction.

The above circumstances provide grounds for permissive withdrawal under California Rules of Professional Conduct 3-700 (C) as follows:

(d) By other conduct renders it unreasonably difficult for the member to carry out the employment effectively, or...

Mr. Townsend has allowed sufficient time for MobileToys to retain other counsel should it wish to defend this matter. This action is not set for trial, and the preliminary pretrial conference is currently set for January 26, 2009. Accordingly, Mr. Townsend should be allowed to withdraw as counsel of record for MobileToys.

For all the foregoing reasons, it is respectfully requested that the Motion to Withdraw be granted.

Dated: September 8, 2008

LAW OFFICE OF LAWRENCE G. TOWNSEND

By: /s/ Lawrence G. Townsend

Lawrence G. Townsend, Esq.  
Attorney for Defendant  
MOBILETOYS, INC.

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**CERTIFICATE OF SERVICE**

I am a citizen of the United States; employed in the County of San Francisco, State of California, over the age of eighteen; and not a party to this action. My business address is 455 Market Street, 19th Floor, San Francisco, California 94105.

On September 8, 2008, I served the below listed document(s):

**NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL FOR  
DEFENDANT MOBILETOYS, INC.; MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**

on the below-listed party at the address, facsimile number, and/or e-mail address shown:

Mr. Anthony Frangiosa  
President  
MobileToys, Inc.  
85 Flagship Drive, Suite F  
North Andover, MA 01845

☒ BY MAIL: A true and correct copy of such document was placed in a sealed envelope, addressed as shown above, and such correspondence was deposited, with postage fully prepaid, in a United States Post Office mail box at San Francisco, California on the same day in the ordinary course of business.

☐ BY PERSONAL SERVICE: Such envelope was delivered by hand to the offices of the addressee.

☐ BY FACSIMILE: Such document was faxed to the facsimile transmission machine with the facsimile machine number stated above. Upon completion of the transmission, the transmitting machine issued a transmission report showing the transmission was complete and without error.

☐ BY ELECTRONIC MAIL: Such document was transmitted to the e-mail address listed above. The e-mail was not returned as undeliverable.

I declare, under penalty of perjury, that the foregoing is true and correct and is executed September 8, 2008 at San Francisco, California.

/s/ B.C. Dunne  
B.C. Dunne